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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,178	12/20/2001	John Joseph Sayovitz	14247	9478

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EXAMINER

PURVIS, SUE A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,178

Applicant(s)

SAYOVITZ ET AL.

Examiner

Sue A. Purvis

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 10, 13, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Varona (US Patent No. 6,150,002).

Varona discloses a thermoplastic nonwoven web (12), the web is coated with a hydrophobic adhesive (35), such as a polyamide, and placed in contact with a creping station (30). Creping blade (38) removes the web from the roll (36) creating a creped nonwoven web. (Col. 5, lines 61-67; Col. 6, lines 1-11; Col. 7, lines 11-20). Page 13, lines 15-18 of applicant's specification list polyamide as an example of a hot melt adhesive used.

Regarding claim 4, Varona shows placing the adhesive on the web prior to contact with the roll.

Regarding claim 5, Varona uses 'printing'.

Regarding claims 10 and 19, Varona uses a smooth roll in combination with the creping blade (38).

Regarding claim 13, the adhesive in Varona is hydrophobic.

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3. Claims 1, 4, 5, 8, 9-12, 14, 15, and 18-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Anderson et al. (US Patent No. 6,315,864 B2).

Anderson discloses a method for creping a nonwoven web with pulp fibers in combination with staple fibers such as polyolefin and polyester. Figure 2 shows the creping process for both sides of the web. Non-latex creping adhesives can be used, such as hot melt adhesives. (Col. 3, lines 42-45; Col. 12, lines 61-64.)

Regarding claim 4, Figure 2 of Anderson shows placing the adhesive on the web prior to contact with the roll.

Regarding claim 5, Anderson uses 'printing'.

Regarding claims 8 and 9, in Anderson the bonding agent is preferably in the range of 2 to about 10% by weight. (Col. 12, lines 45-46.)

Regarding claims 10 and 19, Anderson uses a smooth roll in combination with the creping blade.

Regarding claims 11, 12, 20, and 21, drum (60) is about ambient temperature or it can be heated. (Col. 11, lines 38-40).

Regarding claims 14 and 22, Anderson discloses creping on both sides.

Regarding claims 15 and 23, the second roll is also a smooth roll.

Regarding claims 16 and 24, the second roll is not heated in Anderson, thus is considered to be held at ambient temperature.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varona as applied to claim 1 above, and further in view of Becker et al. (US Patent No. 4,158,594).

Varona does not disclose placing the hot melt adhesive on the roll.

Becker discloses that the method of placing the adhesive on the fabric and the roll are both known in the art and are functionally equivalent alternative expedients. (Figures 2 and 3; Col. 7, lines 49-55.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the adhesive onto the roll rather than the fabric in Varona based on the teachings of Becker.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied to claim 1 above, and further in view of Becker et al. (US Patent No. 4,158,594).

Anderson does not disclose placing the hot melt adhesive on the roll.

Becker discloses that the method of placing the adhesive on the fabric and the roll are both known in the art and are functionally equivalent alternative expedients. (Figures 2 and 3; Col. 7, lines 49-55.)

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the adhesive onto the roll rather than the fabric in Anderson based on the teachings of Becker.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varona.

Varona does not disclose at what temperature the adhesive is when it is applied to the web.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the hot melt adhesive in a liquid condition when it is applied to the web, otherwise the adhesive application would be sporadic and uneven. Furthermore, it is within the purview of the artisan to use an adhesive in the melting point range of about 60 to 125 deg C because a temperature too high would melt the fibers in the web.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson.

Anderson does not disclose at what temperature the adhesive is when it is applied to the web.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the hot melt adhesive in a liquid condition when it is applied to the web, otherwise the adhesive application would be sporadic and uneven. Furthermore, it is within the purview of the artisan to use an adhesive in the melting point range of about 60 to 125 deg C because a temperature too high would melt the fibers in the web.

8. Claims 17 and 25 are rejected under 35 U.S.C. 103(a) as being obvious over Anderson et al.

Anderson does not discuss heating the second roll.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second roll temperature capable of being at above ambient like the first roll in Anderson, because Anderson teaches that heating the drum promotes attachment between the web and the drum surface.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday through Thursday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1495.

  
Sue A. Purvis  
Examiner  
Art Unit 1734

sp  
September 15, 2003